

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL TEKLEMARIAM HAGOS,

Plaintiff,

v.

KING COUNTY DISTRICT COURT et  
al.,

Defendant.

CASE NO. 2:23-cv-00817-DGE

ORDER ON REPORT &  
RECOMMENDATION WITH  
OBJECTIONS (DKT. NOS. 6-7)

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Brian A. Tsuchida, United States Magistrate Judge (Dkt. No. 6) and Plaintiff Daniel Hagos’ objections to the R&R (Dkt. No. 7). For the reasons stated herein, the Court ADOPTS the R&R but addresses Plaintiff’s objections below.

**BACKGROUND**

Plaintiff is an incarcerated person proceeding pro se in this civil rights action. On May 24, 2023, Plaintiff filed a motion for leave to proceed In Forma Pauperis (“IFP”). (Dkt. No. 1.)

1 Judge Tsuchida granted Plaintiff's motion and, pursuant to 28 U.S.C. § 1915, directed the agency  
2 having custody over Plaintiff to calculate an initial partial filing fee, as well as subsequent  
3 possible installments. (Dkt. No. 4 at 1-2.)

4 Plaintiff filed his complaint on June 5, 2023. (Dkt. No. 5.) In the Complaint, Plaintiff  
5 brings suit against King County Superior Court and the Municipal Court of Seattle.<sup>1</sup> Judge  
6 Tsuchida issued an R&R, finding the Complaint fatally deficient and recommending dismissal  
7 without leave to amend.

8 In the R&R, Judge Tsuchida first notes the Complaint "fail[s] to state a claim upon which  
9 relief may be granted." (Dkt. No. 6 at 3.) The claims in the Complaint rely on two, previously  
10 dismissed lawsuits Plaintiff filed with this court. The R&R indicates the instant lawsuit is  
11 "duplicative of those suits" and that "a malicious lawsuit is one that is duplicative of another  
12 federal lawsuit involving the same plaintiff and defendant." (Dkt. No. 6 at 3, citing *McWilliams*  
13 *v. Colorado*, 121 F.3d 573 (10th Cir. 1997).)

14 The R&R further finds the named defendants, the courts themselves, "are immune from  
15 suit." (Dkt. No. 6 at 1.) Plaintiff's complaint references delays in his criminal proceedings, but  
16 the R&R states that "setting hearings and due dates in a state court criminal action fall within a  
17 state court judge's judicial capacity, and state court judges are entitled to absolute judicial  
18 immunity for acts performed within their judicial capacity." (Dkt. No. 6 at 4, citing *Mireles v.*  
19 *Waco*, 502 U.S. 9, 9–12 (1991).) The R&R notes this immunity also extends to clerks of the  
20 court, who "have absolute quasi-judicial immunity from damages for civil rights violations when  
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23 <sup>1</sup> More accurately, the Complaint seems to list specific case numbers within each of these courts  
24 as defendants. ("King County District Court cause #21-1-00412-4"; "City of Seattle Case No.  
657421"; "State of Washington Case No. 16-1-00616-3".)

1 they perform tasks that are an integral part of the judicial process.” (Dkt. No. 6 at 4, citing *Mullis*  
2 *v. U.S. Bankruptcy Court for Dist. Of Nevada*, 828 F.2d 1385 (9th Cir. 1987).)

### 3 **OBJECTIONS**

4 Plaintiff’s objections cite various provisions of law but provide no authority as to why the  
5 instant lawsuit is not duplicative of his prior two lawsuits, nor why the Defendants listed are  
6 proper.

7 He first cites to §§ 315(b), 314(a), and 320 of the Restatement of Torts. (Dkt. No. 7 at 2.)  
8 The Restatement is not an authority upon which his claims can be brought.

9 He writes in his objections that “the immunities of governmental officials do not shield  
10 the governments which employ them from tort liability, even when liability is predicated upon  
11 respondeat superior.” He appears to be citing to *Babcock v. State*, 809 P.2d 143, 156 (Wash.  
12 1991). This case, and others which cite this proposition generally refer to municipalities not  
13 being shielded by their agents’ immunities.

14 While true generally, this principle does not persuade the Court that the Defendants in  
15 this case are proper. Plaintiff lists multiple courts as defendants. Plaintiff seems to imply that  
16 although judges have judicial immunity, the courts which employ them can still be liable.  
17 However, courts and judges are inseparably intertwined: actions of the judge taken in their  
18 judicial capacity are indeed the actions of “the court”. Therefore, this precludes the courts  
19 themselves from suit. As Judge Tsuchida discussed comprehensively in the R&R, judges, and  
20 thus the courts which employ them, enjoy absolute judicial immunity for those acts performed in  
21 their judicial capacity.

### 22 **CONCLUSION**

1 Accordingly, having conducted a de novo review of the R&R, the Plaintiff's objections,  
2 and the remainder of the record, the Court hereby ADOPTS the R&R (Dkt. No. 6), and  
3 ORDERS the dismissal of the Complaint without prejudice and without leave to amend. A copy  
4 of this Order shall be sent to the Hon. Brian A. Tsuchida.

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6 Dated this 18th day of August 2023.

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10 David G. Estudillo  
11 United States District Judge  
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